

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-CR-258-D  
No. 5:11-CV-367-D

RODNEY EARL CANNADY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

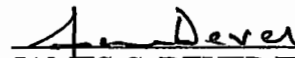
**ORDER**

On October 22, 2012, the court denied Rodney Earl Cannady's ("Cannady") first section 2255 motion [D.E. 57]. On April 22, 2013, the United States Court of Appeals for the Fourth Circuit denied a certificate of appealability [D.E. 66]. On July 18, 2016, the Fourth Circuit denied Cannady's request for authorization to file a second or successive section 2255 motion [D.E. 94]. On September 23, 2016, Cannady filed a second section 2255 motion [D.E. 101]. Thereafter, Cannady filed various other motions [D.E. 103, 106, 108, 109, 110, 111, 114, 115, 117]. On May 3, 2017, the court denied Cannady's second 2255 motion for lack of subject-matter jurisdiction as successive and denied Cannady's various other motions. See [D.E. 120]. Cannady did not appeal this court's order. On May 22, 2017, Cannady moved for a hearing [D.E. 122]. On June 16, 2017, Cannady filed a third section 2255 motion [D.E. 123].

Cannady's motion for a hearing [D.E. 122] is DENIED. Cannady's section 2255 motion [D.E. 123] is DISMISSED for lack of subject-matter jurisdiction as successive. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d

235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). Cannady's motion to amend his section 2255 motion [D.E. 128] is DENIED as futile because this court would not have subject-matter jurisdiction over the amended complaint. Finally, Cannady's motion to grant permission to receive \$2,815.00 taken from him [D.E. 129] is DENIED. See [D.E. 130].

SO ORDERED. This 11 day of November 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge